

REMARKS

In the last Office Action, claims 6 and 7 were objected to as lacking an antecedent basis for "the light diffusing means", and appropriate correction was required. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by USP 5,777,248 to Campbell. Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of USP 4,081,764 to Christmann et al. ("Christmann"). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of USP 6,252,254 to Soules et al. ("Soules"). Claims 4-5 and 7-8 were objected to as being dependent upon a rejected base claim and were otherwise indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The drawings were objected to because reference numeral 10 is not shown in the drawings. Appropriate correction was required. The disclosure was objected to because reference numeral 3 should be 13 on page 4, lines 6 and 9, and appropriate correction was required.

The Examiner acknowledged applicant's claim for foreign priority and noted that a certified copy of the priority document has not yet been received.

IN THE DRAWINGS:

Submitted herewith is a replacement sheet of drawings on which Fig. 1 has been corrected to add reference character 10 to denote the main body case 10 described on page 3 of the specification.

Applicant and applicant's counsel acknowledge with appreciation the indication of allowable subject matter concerning claims 4-5 and 7-8.

In accordance with this response, claims 1, 4 and 5 have been canceled, claims 2, 3 and 6-8 have been amended and new claims 9-21 have been added. Fig. 1 of the drawings has been corrected to add reference numeral 10, and a replacement sheet of drawings has been submitted to effectuate this correction. The specification has been revised in formal respects to improve the wording and to correct informalities, including those noted by the Examiner. A new, more descriptive abstract has been added.

New independent claim 9 comprises a revised version of allowable dependent claim 4 written in independent form. Thus claim 9 comprises the combined subject matter of original claims 1 and 4. Dependent claims 2, 3 and 6-8 have been amended to depend on base claim 9 and in editorial respects to improve the wording and better conform the claims to U.S. practice. In addition, claims 6 and 7 have been amended to overcome the lack antecedence noted by the Examiner.

New independent claim 10 is a revised version of allowable dependent claim 5 written in independent form. Thus claim 10 includes the combined subject matter of original claims 1 and 5. New dependent claims 11-15 depend on allowable claim 10 and are thus likewise allowable.

New independent claim 16 recites the invention in a somewhat different manner than claims 9 and 10 and includes the subject matter indicated by the Examiner to be allowable. More specifically, claim 16 recites a tuning device comprising a meter having a graduated display portion and a needle portion movable relative to the graduated display portion to indicate the deviation, wherein at least one of the graduated display portion and the needle indicator portion is provided with a fluorescent substance. Claim 16 further recites an LED for emitting energy effective to cause the fluorescent substance to emit light to illuminate the meter. No corresponding tuning device is disclosed or suggested by the prior art.

As acknowledged by the Examiner, the prior art does not reasonably teach or suggest a tuning device having a meter having a needle indicator portion and a graduated scale portion in combination with fluorescent material provided on one of the graduated display portion and the needle indicator portion, as required by claim 16. In addition, the prior art does not reasonably teach or suggest provision of an LED for emitting energy to cause the fluorescent material of the graduated display portion and/or the needle indicator portion to emit light to illuminate the meter.

Dependent claims 17-21 recite further feature of the disclosed invention and are likewise patentable over the prior art for at least the same reasons as claim 16.

Campbell discloses a tuning device comprising a ring of LEDs 12 and an alpha-numeric display 20, but not a meter of the type specified in the claims. Christmann discloses an LED for emitting light capable of causing a fluorescent material to emit light, and Soules discloses an LED equipped with a lens portion for scattering light. Neither Christmann nor Soules disclose or suggest a tuning device having a meter provided with fluorescent material in the manner required by the claims.

In view of the foregoing amendments and discussion, and in view of the Examiner's indication of allowability concerning the subject matter of claims 4-5 and 7-8, the application is now believed to be in allowable form.

Accordingly, favorable reconsideration and passage of the application to issue are respectfully requested.

Respectfully submitted,

ADAMS & WILKS
Attorneys for Applicant

By: 

Bruce L. Adams
Reg. No. 25,386

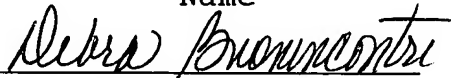
50 Broadway
31st Floor
New York, NY 10004
(212) 809-3700

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: MS NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Debra Buonincontri

Name



Signature

April 27, 2005

Date



ABSTRACT OF THE DISCLOSURE

A tuning device measures and displays a deviation between a fundamental frequency of a music signal and a standard reference frequency. The tuning device has a meter having a graduated display and a movable needle, one or both of which are provided with a fluorescent substance. An LED emits energy effective to cause the fluorescent substance to emit light to illuminate the meter display thereby making it easy to tune a musical instrument in poorly lighted or dark locations. The fluorescent substance of the graduated display may emit light of the same or a different color from that emitted by the fluorescent substance of the needle indicator.